



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: April 13, 2005 REPORT NO. HO 05-077

ATTENTION: Hearing Officer

SUBJECT: SORRENTO VALLEY MAP WAIVER
PTS PROJECT NUMBER: 45813

LOCATION: 4105, 4115 & 4125 Sorrento Valley Boulevard

APPLICANT: Robert J. Bateman

SUMMARY

Requested Action - Should the Hearing Officer approve Map Waiver No. 130251, Coastal Development Permit No. 134019, and waive the requirement to underground existing overhead utilities to convert three existing commercial buildings into condominium ownership on a 3.08-acre site?

Staff Recommendation -

1. APPROVE Map Waiver No. 130251;
2. APPROVE Coastal Development Permit No. 134019; and
3. APPROVE waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation – On January 13, 2005, the Torrey Pines Community Planning Board voted 11-0 to recommend approval of the project with no conditions.

Environmental Review – This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k), Existing Facilities.

BACKGROUND

The 3.08-acre site is located at 4105, 4115 & 4125 Sorrento Valley Boulevard in the IL-3-1z one within the Torrey Pines Community Plan Area (Attachment 1). The site is presently developed with three, one-story commercial buildings. The buildings were constructed in 1979 when the property was zoned M-1A. The IL-3-1 zone, established in January 2000, replaced the M-1A zone that had been applicable since April 1969. The proposed subdivision complies with applicable zoning and development regulations as an existing previously conforming development as allowed by the Land Development Code Section 127.0102. Surrounding land uses include industrial to the north, east and west, and open space to the south. The property south of the lot is zoned as AR-1-1, which is in the Mira Mesa Community Plan Area. All other adjacent properties are zoned IL-3-1 in the Torrey Pines Community Plan Area. The industrial land use designation is consistent with the IL-3-1 zone regulations (Attachment 2).

DISCUSSION

The project proposes to waive the Tentative Parcel Map for the subdivision of a 3.08-acre site to convert three commercial buildings into condominiums on one existing lot. The applicant also requests waiving the requirement for the undergrounding of existing overhead utilities.

The subdivider may request a waiver of the parcel map requirements pursuant to the Subdivision Map Act, Sections 66428 and 66428.1. According to San Diego Municipal Code Section 125.0122, Findings for Map Waivers, the decision maker may approve a Map Waiver if the decision maker finds the proposed Map Waiver complies with requirements of the Subdivision Map Act and the Land Development Code.

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request is consistent with the guidelines of Council Policy 600-25, Underground Conversion of Utility Lines at the Developer's Expense. The conversion involves a short span of overhead facilities less than a full block in length, and the conversion would not represent a logical extension to an undergrounding facility.

The requested conversion of these existing commercial buildings to condominiums represents primarily a change in ownership and no other development is proposed with this application. The proposed subdivision complies with applicable zoning and development regulations as existing previously conforming development of the Land Development Code Section 127.0102. The project is exempt from the California Environmental Quality Act pursuant to Article 19, Section 15301, existing facilities.

CONCLUSION:

Staff has reviewed the request for a Map Waiver for the conversion of the three existing commercial buildings into condominiums and to waive the requirements to underground the existing overhead utilities. Staff has determined the project to conform to sections 125.0122 (Map Waiver) and 144.0240 (Underground) of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, and Council Policy 600-25 regulating undergrounding of existing overhead utilities.

Staff has determined the development is consistent with the industrial land use designation of the Torrey Pines Community Plan and the required findings can be supported. Staff recommends the Hearing Officer acknowledge the environmental exemption, and approve Map Waiver No. 130251, Coastal Development Permit No. 134019, and waive the requirement to underground existing overhead utilities.

ALTERNATIVES

1. Approve Map Waiver No. 130251, Coastal Development Permit No. 134019, and the wavier to the requirement to underground existing overhead utilities, with modifications.
2. Deny Map Waiver No. 130251, Coastal Development Permit No. 134019, and the wavier to the requirement to underground existing overhead utilities for Project No. 45813, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Cherlyn T. Cac, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Tentative Map (copy to Hearing Officer only)
5. Draft Map Conditions and Subdivision Resolution
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement